

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO.: _____

FILED BY _____ D.C.

MAR 03 2023

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S.D. OF FLA. - W.P.B.

PATRICK J. LEACH,

Plaintiff.

VS.

EQUIFAX INFORMATION SERVICES, LLC;
EXPERIAN INFORMATION SOLUTIONS,
INC; and TRANS UNION, LLC,

Defendants.

Civil Action No.:

JURY TRIAL
DEMANDED

**PLAINTIFF'S IDENTITY THEFT COMPLAINT
PURSUANT TO THE FAIR CREDIT REPORTING ACT**

It is hereby submitted before this honorable Court:

1. That Plaintiff is submitting the instant complaint pursuant to the provisions of the Fair Credit Report Act against Defendant. For the reasons set forth below, Plaintiff requests that this Court grants the requested relief in Plaintiff's favor.

BACKGROUND:

2. On October 01, 2021, the Plaintiff received a letter titled "*Notice of Data Breach*" from T-Mobile whereby the Plaintiff was informed that there has been unauthorized access to Plaintiff's personal data, including Plaintiff's name, driver's license / ID information, date of birth, and social security number.

*(A copy of a letter received from T-Mobile is herein attached as **EXHIBIT A***

*(**LETTER FROM T-MOBILE**)*)

3. Thereafter, on May 01, 2022, the United States Marshals Service, U.S. Department of Justice, served a letter to Plaintiff whereby the Plaintiff was suggested to complete a Federal Trade Commission identity theft affidavit to allow Plaintiff's creditors that the Plaintiff's identity may have been compromised.

*(A copy of letter received from the United States Marshals Service is herein
attached as **EXHIBIT B (LETTER)**)*

4. Accordingly, on September 18, 2022, the Plaintiff lodged a complaint/report for identity theft with respect of financial transactions with the Federal Trade Commission, bearing report no. 151771305 ("**Identity Theft Report**"). At the same time, on September 19, 2022, the Plaintiff filed a police report for identity theft with the Palm Beach County Sheriff's Office, bearing report no. 22-109659 ("**Police Report**").

*(Copies of the Identity Theft Report and Police Report are herein attached as **EXHIBIT
C (IDENTITY THEFT REPORT) and (POLICE REPORT)**)*

GROUND FOR INSTANT COMPLAINT:

5. *"Certain identity theft provisions of the FCRA are only triggered when the dispute is accompanied by an identity theft report."* **Adkins v. Sallie Mae Bank**, 2022 U.S. Dist. LEXIS 205313, *1. As the Plaintiff has already filed the Identity Theft Report accompanied by the Police Report, the Plaintiff has locus standi to file this instant complaint under the FCRA.
6. Pursuant to 15 USCS § 1681c-2 (Block of information resulting from identity theft), *"Except as otherwise provided in this section, a consumer reporting agency shall block the reporting of any information in the file of a consumer that the consumer identifies as information that resulted from an alleged identity theft."* Further, the Fair and Accurate Credit Transactions Act of 2003 *"requires financial institutions and creditors to implement a written program to detect, prevent, and mitigate identity theft in connection*

with certain "covered accounts." FACTA also imposes several requirements for documenting fraudulent transactions resulting from identity theft." *Brown v. Bank of Am.*, N.A., 2016 U.S. Dist. LEXIS 99436, *52. Based on this, the Defendant were under an obligation to conduct thorough investigation according to the Plaintiff's Identity Theft Report as well as the Police Report and block and remove fraudulent accounts opened in the name of the Plaintiff. This is also support under the provisions of Consumer Finance Protection Bureau. *Dehorney v. Ocwen Loan Servicing*, LLC, 2021 U.S. Dist. LEXIS 62828

7. The negligence and conduct of Defendant are also tantamount to economic abuse on the Plaintiff under the Economic Abuse Debt Reporting Act which includes "conduct that qualifies as identity theft under the FCRA and requires consumer reporting agencies to "reinvestigate" allegations of identity theft and "block reporting of that information.""
Consumer Data Indus. Ass'n v. Frey, 26 F.4th 1, 13.

PRAYER(S):

8. In view of the above, it is humbly requested before this honorable Court that the Court holds the Defendant liable and negligent under the provisions of FCRA and orders them to remove fraudulent accounts opened in Plaintiff's name and conduct a reasonable investigation in this regard.
9. Any other relief, which this honorable Court deems fit and proper may also be granted to the Plaintiff.



/s/ Patrick. Leach

Patrick L. Leach

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Place: Palm Beach County

Date: February 3, 2023